

BOARD OF MAYOR AND ALDERMEN

**July 20, 2004
PM**

7:30

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Roy, Gatsas, Guinta (late), Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith, Thibault and Forest

Presentation of certificates in recognition of the "Spring 2004" Photo Contest winners.

Mayor Baines called on Seth Wall to explain a little bit about the photo contest and what we have tried to do to continue our enhancement of the City's website.

Mr. Seth Wall stated this spring around January or February and I guess that is mid-Winter actually, I got together with some people from Information Systems, Jim Maloney our web designer, a fantastic gentleman who has worked very hard on updating our website, which has actually won some awards over the past year...Jim Maloney had an idea for doing a photo contest to help drive traffic through the City website. This photo contest actually received over 30 entries without any advertising really. There were a couple of little blurbs in the Union Leader and the Hippo Press I believe put in a quick little update on it but all in all there really wasn't much advertising on it but people saw it anyway and we got 30+ great entries. I just want to go through some of the entries that we did receive on this and show you up on the screen. The first place winner, which the Mayor is going to be presenting awards for, Alan Hartman, unfortunately is not able to be here tonight. He is from New Jersey. This was actually of one of the mill towers at night. Showing on the projector here doesn't actually do it justice but these photos that you see are actually very beautiful photos and very well done. This was the first place

winner photo. Second place was an Arms Park photo. Again, the projector doesn't quite do it justice. When you see it in print it looks fantastic. Third place again was Alan Hartman. This was another nighttime photo he took of City Hall. Then we have two honorable mentions. This one is "Happy to Be Me." It is a frog photo that was submitted by Linda Elliot of Manchester and the other honorable mention is "Mill and River 1" from Jen Drociak, also of Manchester. If you go to our City website, ManchesterNH.gov, and click on news photo contest you can pull up these photos on your computer at home and you will also be able to see other select photos that we have put up on website as well. If the Mayor would like to present the awards to the people who are here, again Alan is from New Jersey and he was unable to attend this evening's meeting.

Mayor Baines stated before we proceed I do want to thank everyone who has been involved in working on our website. After I became Mayor one of my top priorities was upgrading the City's website to make it user friendly and also to use it as a vehicle to attract interest in our City. It is a major economic development tool. Cities are using them all across the country. Information Systems and MDC were involved in the study and the Board of Mayor and Aldermen supported it and right now we have one of the finest municipal websites that I think you are going to find for municipalities around the country. The next move is to make the website friendly for people to actually make payments over it and we are working toward that. There is some action on the Board in that direction tonight so we have come along way. I want to thank everyone involved with it. This is another great opportunity we have to showcase the beauty of our City with these wonderful pictures. I do want to acknowledge the first place winner, Alan Hartman, who is not here. Ronald Boucher got second place. I think he is here. He can come up. Congratulations Ron. Honorable mention to Linda Elliot and honorable mention for the photo titled "Mill and River 1" Jen Drociak. Again thank you to everyone involved. We encourage people to visit our website and ManchesterNH.gov and people in our community should be very proud of this effort on behalf of our citizens.

Presentation by representatives of Members First Credit Union.

Mr. Gil Morris stated I worked at Manchester Water Works for almost 40 years. I retired in September 2000 as a Business Service Manager. I am here tonight as Director and present Treasurer of Members First Credit Union to tell you briefly its history and purpose and its beginning as a Manchester Municipal Employees Credit Union of which I was former Director and past President of the Board of Directors. In 1948 John Walsh, a Manchester Fire Department Lieutenant and Mark Akias, a Manchester Fire Department Lieutenant recognized the need to help City employees with their finances by way of affordable loan rates and reasonable savings and interest. Thus, the Manchester Employees Credit Union was started. At first it was doing business out of the Somerville Fire Station. A \$25 share deposit was necessary to become a member for savings and loan purposes. Mayor Joseph P. Benoit was its first member and many City employees and members of the Board of Mayor and Aldermen soon followed. In 1950 with the cooperation of the Board of Mayor and Aldermen, a small office on the third floor of City Hall was opened for the two person credit union staff to provide services to City employees, Aldermen and City officials. When the need for a larger office arose due to the growing membership, the Manchester Municipal Employees Credit Union was relocated to office space on the first floor of City Hall in 1972. Annually, usually in the spring, a general membership meeting was held first at the Central Fire Station on Varney Street and later at the Vault Restaurant on Elm Street next to City Hall. The meeting was open to the general credit union membership. Annual financial and other reports were presented and the election of the Board of Directors and supervisors of committees was voted by the membership present. Also, new officers for the year were elected by the Board of Directors and Committee members were made by the President of the Board. In 1981 with a growing new membership base, the Manchester Municipal Employees Credit Union moved to a new and larger location in the North Building at 44 Bridge Street so it could be close to City Hall. In 1994 a branch was opened at 200 Union Street to be near

the Highway Department, Water Works Department and schools in East Manchester. Originally, the Manchester Municipal Employees Credit Union was restricted to City employees, Mayor and Aldermen and other City officials and later to people living in the same household, etc. but with increasing competition from new and larger credit unions in the City and State it was necessary to open the membership to anyone living or working within a 25 mile radius of any branch location by the approval of the State of NH Banking Commission and in 1997 the name of the credit union was changed to Members First Credit Union. That same year a branch was opened in Franklin, NH because of the need in that area of a financial institution other than banks. Also last year a branch of the credit union was opened at 270 Amory Street to better serve the West Side members. From a humble beginning in 1949, the Manchester Municipal Employees Credit Union and then to the present Members First Credit Union now has over 21,000 members; 82 employees; 7,000 borrowers and assets of \$121,500,000. It is one of the largest credit unions in the State of NH. Surprisingly, since it started 55 years ago the present Board of Directors is made up entirely of present, past, or retired employees of the City of Manchester. Some of the names of the present Board of Directors are very familiar to you. For example, Frank Thomas, Diane Prew, Leo Bernier, Wilbur Jenkins, Judy Walsh Heminger, who is John Walsh's daughter and others who are past or present members of the Manchester Police Department, Fire Department and School Department. So as you know it is under Manchester City employees' management. In closing the combination of the Manchester Municipal Employees Credit Union and later the Members First Credit Union had provided past, present and retired City employees with a top rate financial institution for savings, loans, mortgage, college education and investments. Our motto is "Members First." That is more than our name, it is our promise. At my side I would like to mention John Walsh, who was one of the founders of the credit union. On the other side is the Chairman of the Board of Directors, who is a former Manchester Police Department deputy and allow me to introduce the CEO of the Members First Credit Union, Bob Nadeau, who is a graduate of NH College here in Manchester.

Mr. Bob Nadeau stated good evening Mayor and Aldermen and City officials. It is indeed an honor and a privilege to represent Members First before you this evening. We have a 55-year history of partnership with the City of Manchester for one purpose – to serve your employees who are our members in the most effective manner. Our service objective is simple. Provide financial products that are of benefit to members while addressing unique needs of the City employees as they arise. Our partnership has provided positive benefits by allowing us to address many of those needs. For example, back when teachers were paid 21 times a year we established a special savings account to help them budget their finances more effectively. Placing an ATM in City Hall Annex may not be a profitable venture, but it was an example of our commitment to providing convenience to members while at the same time providing service to the public. The unique relationship we have with the City was the reason that during the Christmas holiday season in 1997 when we were made aware that the Highway workers would receive their paychecks late we made arrangements to bring cash and employees to the Highway Department to cash payroll checks. We cashed checks for members and non-members alike. As recent as last year when the payroll was to be delayed by a day we actually posted our payroll file a day early. We fronted the money so that the City employees with direct deposit to our credit union would receive funds on schedule. And of course recognizing the significance of the history within this very building we contributed money for the historical preservation and renovation of City Hall. We are proud of our affiliation with the City. We have, indeed, been good partners through the years. Our best service occurs when we have open communications with City officials. Members First remains committed to continuing to serve the unique needs of the Manchester City employees. We are simply asking that our history of partnership be reaffirmed so that we may best serve your needs and the needs of your employees. I want to thank you for hearing us this evening.

Alderman Thibault stated it is great to see the success of the Manchester Municipal Credit Union. I am a member by the way. On behalf of all City employees I want to

thank you for a job well done through the years. City employees get a real break for a change thanks to people like John Walsh.

Alderman Thibault moved to allow members of the Members First Credit Union to have direct contact with City employees to be coordinated through the HR Director. Alderman Lopez duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Forest abstaining.

Mayor Baines stated I would like to commend all of you and the great history of serving the employees of our community and the vision of people like John Walsh. It is nice to have him back in the Chamber where he served the City and it was his distinguished service throughout his career that made this possible so the people that were there at the beginning need to be remember today because if it hadn't been for their vision, their foresight and their commitment to the employees we wouldn't have this wonderful institution that serves the people who work for our City. Congratulations and it is really a credit to you, John, and those who worked with you to make this a reality.

Presentation by representatives of Gilbane regarding the World War II Memorial.

Mr. Ronnie Highdodd stated I am from Lavallee-Brensinger Architects and we are working with Gilbane Construction Company. We would like to present to you the World War II Veteran's Memorial. Basically we were approached by the World War II Veterans to design a memorial for those who served during the second World War. This is meant to basically be a more permanent memorial to replace a former memorial that was neglected and basically fell apart. This is to include 10,000 names that represent the names of those who served in World War II. My understanding is that the original memorial used to exist at the Valley Street Cemetery and the reason it was neglected and fell apart was because it was built out of plywood and glass. So much for a memorial. It

basically disintegrated. This one that we are proposing will be basically built out of CMU bricks or blocking with stone cladding. We are thinking something like granite or marble. The proposal is that it would be located somewhere in Veteran's Park, however, the exact location hasn't been determined yet. I hope the images are visible for everyone to see. The form basically mimics the original form. We thought that it would be a good idea to preserve the original form. However, obviously we have upgraded the materials to stone and concrete basically. The actual edifice itself is 261 square feet. It sits on top of a platform, which comes to a total of 934 square feet. The platform itself surrounds the actual edifice that way it allows for them to go around the memorial in a circular fashion. We designed this to blend in with the urban context of the area and the surrounding area. Also, it will be visible from the streetscape as well. If you look at the memorial you will notice that on the walls itself there is a place where the nameplates would be attached. Again I mentioned that the memorial is designed to accommodate more than 10,000 names. That is all I have for now. If anyone has any questions I would be happy to answer them.

Mr. Rainey Pinsence stated I am with Gilbane. I am the District Operations Manager. I have the pleasure of working in our new office next door at 900 Elm Street. Back in February Leo Pepino contacted our office and wanted to speak to us about a project that he had in mind. I agreed to meet with him and as you know Gilbane Building Company has a history. We built the Vietnam Memorial in Washington, DC. Most recently we completed the World War II Memorial in time for its recent dedication. We thought that with our history in Manchester with the Verizon Center and currently doing your school program that to give back to the community would be a good idea and we considered this project. We contacted Lavallee Brensinger and asked if they would work with us to produce and design the memorial. We have met with the Veteran's group on a number of occasions. We believe they endorse the design that is presented to you tonight. We have had some preliminary meetings with Parks & Recreation and made a presentation to them as far as the structure and what we are proposing. Tonight we are looking for the Mayor

and Aldermen to give us a consensus that this is a feasible venture and something that we should pursue.

Mayor Baines stated first of all to correct a little bit of history that memorial was in the existing park. It wasn't in the cemetery to my knowledge. I remember that vividly as a youth many years ago reading those names on that memorial at the present park. Any questions or comments? First of all I want to commend everyone who has been involved in this effort. Every good idea someone starts with one committed individual and Leo Pepino was very determined for this to happen but it would not have happened unless a lot of other people came to the table like the Veteran's organization, Gilbane and Lavallee Brensinger to establish his vision. I want to commend everyone who really came to the table and resolved all of the issues to make this presentation possible this evening.

Alderman Gatsas moved to approve the project going forward.

Mayor Baines stated if we can include as part of that motion that this be turned over to the Parks & Recreation Department for site approval, along with the involvement of the Art Commission, which under ordinance would be involved in that.

Alderman Gatsas responded I will make that as part of my motion. Alderman Thibault duly seconded the motion.

Alderman Thibault stated I wonder if anyone in the City has an idea of where the names on the first memorial went and if there is way of tracking that down.

Mr. Leo Pepino responded first of all you people about a month ago passed the certificates of appreciation for me. Now the names will come in with that. As far as the monument...the certificate is one thing. All of the people who were killed in World War

It will be on the memorial. If somebody can take the time while we are waiting for this list to develop and get 15 or 20 volunteers together to go to Concord because there are 200+ boxes. They can go through every box up there one at a time and get the names of everybody who got a bonus after World War II. The names are there. Everything is there. All we have to do is get it. I wish the City would start on the certificates of appreciation.

Mayor Baines stated I think his question was and we recognize the other thing but what happened to those names that were on the old memorial. Are they still around?

Deputy City Clerk Johnson stated the Clerk's Office actually did provide those to the Veteran's Council in alphabetical order by branch.

Alderman O'Neil asked is it the intent, your Honor, to kind of locate this back somewhere near the original site.

Mayor Baines answered I don't think that is possible. I don't want to answer that but I think they are looking at a variety of locations. Alderman Lopez do you have any additional information?

Alderman Lopez stated we are still looking with Parks & Recreation to see where it could go.

Mayor Baines stated if I recall it used to be towards the front of the park and I think that is the entranceway now.

Alderman O'Neil stated I have heard from some Veterans that they would like to see it as close to its original location as possible. Maybe they can just keep us up-to-date when that information becomes available.

Alderman Lopez asked what is the timeframe for when you think this will be completed. It is very important and the reason I say that is because you have offered your generosity that if we provide you the names you will put them all on there so it is imperative that we try to get the names of the individuals from World War II from everybody. If anybody would like to help with this project they can contact the Commander of the Manchester Veteran's Council, Tony Caron, who would be more than happy to assist Mr. Pepino in going up to the state and getting names because that is a lot of names and there is a lot of research needed. We want to make sure that we have 98% or even 100% of the names when the project is completed. Could you say maybe next Memorial Day for Veteran's Day?

Mr. Pinsence stated our goal is to have it done and in place by Memorial Day. As we have told you, Alderman Lopez, the design allows for the actual panels where the names will be inscribed can actually physically removed with the proper tool and taken to a shop to actually be engraved and then reinserted. We can literally construct this structure without the names and have the names done at another time and still have it be convenient in terms of construction.

Alderman Gatsas stated I would like to amend the motion to include the description that we have before us so there is no confusion about what we are approving.

Mayor Baines stated okay and if that is in agreement to the person who seconded the motion we will just include that as part of the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Mayor Baines asked could you introduce your colleague.

Mr. Highdodd stated he is the one who designed the memorial. I am only presenting it for him.

Mayor Baines stated well congratulations on a job well done. Well he was kind of an important person sitting there.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Ratify and Confirm Polls Conducted

- A. June 17, 2004...approving a request authorizing the City Solicitor to retain Atty. Nixon and his firm as outside counsel regarding challenging of the State Funding Law on Education. (Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, O'Neil, Lopez, Shea, DeVries, Garrity, Smith and Forest voted yea and Aldermen Guinta and Thibault unavailable.)
- B. June 18, 2004...unanimous approval of request regarding CIP Project Extensions.
- C. July 12 & 13...approving the placement of a referendum question on the September 14, 2004 Primary ballot as follows:
 - “A contributory retirement plan for city employees was adopted by the voters of Manchester at the November 1973 election. The plan became effective in January 1974, and now, benefit improvements are requested. Are you in favor of the passage of an act of the General Court of 2004, amending section 12 of the city of Manchester employees contributory retirement system to provide for an optional retirement annuity benefit?”
 - (Aldermen Roy, Gatsas, Sysyn, Osborne, Porter, Shea, DeVries, Garrity, Smith, Thibault, Forest, Lopez and O'Neil voted yea. Alderman Guinta unavailable.)

Accept Minutes

- D. Minutes of meetings held on March 30, 2004; April 6, 2004 (two meetings); April 19, 2004; April 20, 2004 (two meetings); May 4, 2004 (two meetings); May 18, 2004; May 24, 2004, May 25, 2004; June 1, 2004 (two meetings); June 2, 2004; June 8, 2004, and June 21, 2004.

Approve under supervision of the Department of Highways

- E. PSNH Pole Petition #11-999 located on Lodge Street;
PSNH Pole Petition #11-1000 located on Tarrytown Road; and
PSNH Pole Petition #12-182 located on Front Street.

Informational – to be Received and Filed

- F. Communication from Deputy City Solicitor Arnold submitting a copy of the decision rendered regarding the Riverfront arbitration.

- G.** Communication from City Clerk Leo Bernier expressing his gratitude to the Board for the wonderful fruit arrangement sent to him during his recent absence.
- H.** Communication from Frank Thomas, Public Works Director, advising that all matching City funds for the 50/50 Sidewalk Program have been committed for FY2005.
- I.** Communication from Tom Bowen, Water Works Director, submitting the Manchester Water Works' Independent Auditor's Report for calendar year 2003.
- J.** Minutes of the Mayor's Utility Coordinating Committee meetings held on May 19 and June 16, 2004.
- K.** Minutes of MTA Commission meeting held on May 25, 2004 and the Financial and Ridership Reports for the month of May 2004.
- L.** Communications from Comcast advising of programming changes concerning premium services standardized pricing.
- M.** Communication from Ms. Collett Hill notifying the Board of the excellent service she received from Mr. Thomas Brolin of the Manchester Water Works.

Accept Funds and Remand for the Purpose Intended

- N.** Communication from the Public Works Director requesting acceptance of funds in the amount of \$25,000 from Construction Planning & Management of Salem, NH (owners of Washington Park Estates) for the purpose of resurfacing Country Club Drive.

REFERRALS TO COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

(Note: being referred for ordinance preparation and technical review.)

- O.** Communication from Georgie Reagan, Chair of the Art Commission, requesting the name of the Commission be officially changed to the Arts Commission.

COMMITTEE ON FINANCE

P. Bond Resolutions:

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000) for the 2005 CIP 411305, South Main Street Fire Station Rehabilitation Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred and Ten Thousand Dollars (\$2,410,000) for the 2005 CIP 510005, Park Facilities Improvement Program.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) for the 2005 CIP 710005, Major Fleet Upgrades Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred and Ten Thousand Dollars (\$1,710,000) For the 2005 CIP 710205, Public Works Infrastructure Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Hundred Eighty Thousand Dollars (\$280,000) for the 2005 CIP 710905, Parking & Traffic Improvements Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Million Eighty Thousand Dollars (\$6,080,000) for the 2005 CIP 711105, CSO-Phase 1 (Bremer Street) Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2005 CIP 711205, Replace Sludge Dewatering Equipment Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2005 CIP 711405, WSPS – Roof/HVAC/Piping Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2005 CIP 811305, Revaluation Update Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Four Million Four Hundred Forty Thousand Dollars (\$4,440,000) for the 2005 CIP 811405, Building Improvements Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Six Hundred Ninety Thousand Dollars (\$1,690,000) for the 2005 CIP 811505, Information/Public Safety Upgrades Project.”

Q. Resolutions:

“Amending the FY 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Five Thousand Nine Hundred Seventeen Dollars and Eighty One Cents (\$255,917.81) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the 2002 CIP 714302, Bridge Rehabilitation Project.”

“Amending the FY 2002 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the FY2002 CIP 714302 Bridge Rehabilitation Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Five Hundred Thirty Six Dollars (\$30,536) for FY2003 CIP 610403 Downtown Municipal Infrastructure Project.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Five Thousand Two Dollars (\$45,002) for 2004 CIP 410704 Streetsweeper.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Thousand Dollars (\$100,000) for FY2004 CIP 612304 MNHS Homebuyer Assistance Program.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Dollars (\$30,000) for FY2004 CIP 713204 Public Works ROW Improvement Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twelve Thousand Ten Dollars (\$112,010) for the 2005 CIP 214005 Wrap For Youth Resiliency Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Two Thousand Nine Hundred Sixty Four Dollars (\$242,964) for the 2005 CIP 410005 Comprehensive Wellness Matching Grant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Ninety Three Dollars (\$14,993.00) for FY2005 CIP 411405 Project Safe Neighborhoods Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2005 CIP 610105 Second Street Mill Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) for the 2005 CIP 710205 Public Works Infrastructure Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for the 2005 CIP 811605 Valley Cemetery Improvement Project.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2004.”

REPORTS OF COMMITTEES

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

- R.** Recommending that the Water Works and EPD Departments implement a system to accept electronic payments as outlined in the presentation by the Finance Department (enclosed herein), and that a \$3 convenience fee be charged for this service.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN THIBAUT IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

Report of the Committee on Bills on Second Reading recommending that Ordinances:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding an additional area to Residential Parking Permit Zone #1 and deleting an area to Residential Parking Permit Zone #2 to provide extended residential parking in the Kidder/Hollis/Bedford Street areas.”

ought to pass.

Deputy City Clerk Johnson stated I would advise that based on the physical action of the Committee on Traffic we are looking to amend the report of the Committee on Bills on

Second Reading. There was an ordinance that was handed out to the Board, which we are looking to replace the third ordinance listed on the report. The motion would be to amend the report by substituting the ordinance that was distributed. The difference basically is that the intent of the Committee was to include an area of Bedford Street to permit parking in the Hollis, Kidder and Dow Street areas and that was not what was included in the original ordinance.

On motion of Alderman Roy, duly seconded by Alderman Forest it was voted to amend the report by substituting the ordinance on residential parking with the revised ordinance that was handed out.

On motion of Alderman Roy, duly seconded by Alderman Forest it was voted to accept the report as amended.

Communication from Andre Verville submitting his resignation as a member of the Zoning Board of Adjustment effective immediately.

Mayor Baines stated I want to commend Andy who has been a friend of mine for 103 years at least for his wonderful service to the community. As many of you know he served as an Alderman and County Commissioner and has been an outstanding member of the Zoning Board. He has certainly done his time in service so I would accept a motion to accept his resignation with regret and ask the Clerk to send commendations for this service on behalf of the Board of Mayor and Aldermen.

Alderman Sysyn moved to accept the resignation with regrets and to have the City Clerk's Office send a letter on behalf of the Board. Alderman Shea duly seconded the motion.

Alderman Lopez stated Mr. Verville has been on the Zoning Board for a long time and has a lot of knowledge in this particular area. When these individuals resign does anybody conduct an exit interview as to why they are doing this?

Mayor Baines responded he is coming close to the end of his term I think.

Alderman Lopez stated we never know why an individual resigns and there might be some other reasons that maybe we in government should take a look at.

Mayor Baines replied I think Andy was just ready to...

Alderman Lopez interjected well it was just a point that I wanted to make.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from the Planning Department nominating Mr. Ray Clement to continue to serve as a representative to the Southern NH Planning Commission, term to expire on June 30, 2008.

On motion of Alderman Thibault, duly seconded by Alderman Roy it was voted to have Ray Clement continue to serve as a representative to the Southern NH Planning Commission, term to expire June 30, 2008.

Nominations presented by Mayor Baines.

Parks & Recreation Commission

Sandy Lambert to succeed herself, term to expire July 7, 2007

Dennis Smith to succeed Joseph Sullivan, term to expire July 7, 2007

Central Business District Advisory Board

Paul Irving Mansback to fill a vacant owner seat, term to expire May 2009.

Fire Commission

Gregory Timas to succeed Dave Letellier, term to expire May 1, 2007.

Zoning Board of Adjustment

Ray Clement to fill the unexpired term of Andre Verville, term to expire March 1, 2005.

On motion of Alderman O'Neil, duly seconded by Alderman Smith it was voted to suspend the rules and confirm all the nominations as presented.

A report of the Committee on Community Improvement was presented recommending that City staff be authorized to look into using the revolving account in MEDO to fund an extension of the Lowell Street Sidewalk Project in the amount of \$75,000, and if found to be a legal use of that account that they be allowed to proceed with utilizing such funds for this purpose up to the amount of \$75,000.

On motion of Alderman O'Neil, duly seconded by Alderman Guinta it was voted to accept the report of the Committee on Community Improvement.

A second report of the Committee on Community Improvement was presented recommending that Messrs. MacKenzie and Jabjiniak and Ms. Hills be authorized to apply for an economic development administration grant of up to \$68,000 for economic development planning.

On motion of Alderman O'Neil, duly seconded by Alderman DeVries it was voted to accept the report of the Committee on Community Improvement.

A report of the Committee on Human Resources and Insurance was presented recommending that it has approved an Ordinance:

“Amending Sections 32.024, 33.025 and 33.026 Graffiti Maintenance Worker of the Code of Ordinances of the City of Manchester.”

which provides for a new position at a labor grade 13, non-exempt, and is forwarding same to the Board for adoption with the request that the same be considered this evening.

Alderman Shea moved to accept the report of the Committee on Human Resources and Insurance. Alderman Sysyn duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Lopez being duly recorded in opposition.

“Amending Sections 32.024, 33.025 and 33.026 Graffiti Maintenance Worker of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Garrity it was voted to read by title only, and it was so done.

Alderman Garrity moved that the Ordinance be adopted. Alderman Forest duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

On motion of Alderman Shea, duly seconded by Alderman Sysyn it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Bond Resolutions:

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Six Hundred Thousand Dollars (\$1,600,000) for the 2005 CIP 411305, South Main Street Fire Station Rehabilitation Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Million Four Hundred and Ten Thousand Dollars (\$2,410,000) for the 2005 CIP 510005, Park Facilities Improvement Program.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000) for the 2005 CIP 710005, Major Fleet Upgrades Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Seven Hundred and Ten Thousand Dollars (\$1,710,000) for the 2005 CIP 710205, Public Works Infrastructure Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Hundred Eighty Thousand Dollars (\$280,000) for the 2005 CIP 710905, Parking & Traffic Improvements Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of Six Million Eighty Thousand Dollars (\$6,080,000) for the 2005 CIP 711105, CSO-Phase 1 (Bremer Street) Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2005 CIP 711205, Replace Sludge Dewatering Equipment Project.”

“Authorizing Bonds, Notes or Lease Purchases in the amount of One Million Dollars (\$1,000,000) for the 2005 CIP 711405, WSPS – Roof/HVAC/Piping Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Four Million Four Hundred Forty Thousand Dollars (\$4,440,000) for the 2005 CIP 811405, Building Improvements Project.”

“Authorizing, Bonds, Notes or Lease Purchases in the amount of One Million Six Hundred Ninety Thousand Dollars (\$1,690,000) for the 2005 CIP 811505, Information/Public Safety Upgrades Project.”

ought to pass and layover and further that Resolutions:

“Amending the FY 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Five Thousand Nine Hundred Seventeen Dollars and Eighty One Cents (\$255,917.81) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the 2002 CIP 714302, Bridge Rehabilitation Project.”

“Amending the FY 2002 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the FY2002 CIP 714302 Bridge Rehabilitation Project.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Five Hundred Thirty Six Dollars (\$30,536) for FY2003 CIP 610403 Downtown Municipal Infrastructure Project.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Forty Five Thousand Two Dollars (\$45,002) for 2004 CIP 410704 Streetsweeper.”

“Amending the FY2004 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Thousand Dollars (\$100,000) for FY2004 CIP 612304 MNHS Homebuyer Assistance Program.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Dollars (\$30,000) for FY2004 CIP 713204 Public Works ROW Improvement Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twelve Thousand Ten Dollars (\$112,010) for the 2005 CIP 214005 Wrap For Youth Resiliency Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Two Thousand Nine Hundred Sixty Four Dollars (\$242,964) for the 2005 CIP 410005 Comprehensive Wellness Matching Grant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Ninety Three Dollars (\$14,993.00) for FY2005 CIP 411405 Project Safe Neighborhoods Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2005 CIP 610105 Second Street Mill Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) for the 2005 CIP 710205 Public Works Infrastructure Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for the 2005 CIP 811605 Valley Cemetery Improvement Project.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2004.”

ought to pass.

On motion of Alderman Shea, duly seconded by Alderman Forest it was voted to accept the report of the Committee on Finance.

A second report of the Committee on Finance was presented recommending that a Bond Resolution:

“Authorizing, Bonds, Notes or Lease Purchases in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the 2005 CIP 811305, Revaluation Update Project.”

ought to pass and layover.

Alderman Osborne moved to accept the report of the Committee on Finance. Alderman Sysyn duly seconded the motion. Mayor Baines called for a vote. A roll call vote was taken. Aldermen DeVries, Garrity, Smith, Gatsas, Porter, and Lopez voted nay. Aldermen Thibault, Forest, Roy, Sysyn, Osborne, and O'Neil voted yea. The motion carried.

Ordinances:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding an additional area to Residential Parking Permit Zone #1 and deleting an area to Residential Parking Permit Zone #2 to provide extended residential parking in the Kidder/Hollis/Bedford Street areas.”

On motion of Alderman Osborne, duly seconded by Alderman Sysyn it was voted to dispense with the reading by titles only.

Deputy City Clerk Johnson noted that there is a substitute ordinance for the residential parking.

These Ordinances having had their second presentation, Alderman O'Neil moved on passing same to be Enrolled. Alderman Thibault duly seconded the motion. There being none opposed the motion carried.

On motion of Alderman Smith, duly seconded by Alderman Thibault it was voted to recess the regular meeting to allow the Committee on Accounts, Enrollment and Revenue Administration to meet.

Mayor Baines called the meeting back to order.

A report of the Committee on Accounts, Enrollment and Revenue Administration was presented advising that Ordinances:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10,

adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

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were properly enrolled.

Alderman Osborne moved to accept the report of the Committee on Accounts, Enrollment and Revenue Administration. Alderman Smith duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Alderman Osborne asking the Board to request the Committee on CIP to look at the possibility of earmarking \$300,000 each year over and above the \$550,000 for resurfacing streets and an additional \$200,000 annually for sidewalks where needed.

Alderman Osborne moved to refer this item to the Committee on Community Improvement. Alderman O'Neil duly seconded the motion.

Alderman Osborne stated I would like to read the correspondence that I did put out:

Dear Colleagues:

I am writing to again express my concerns regarding funding for resurfacing of streets and sidewalks where needed citywide.

Although we have some funds set aside, \$550,000, earmarked from registration for paving each year I believe more is needed. Areas such as heavily traveled Mammoth Road between Lake Ave and Oakland Ave are still without a sidewalk, and this is not the only part of the City where these situations occur.

Although we have a 50/50 program for sidewalks it cannot meet our needs in all instances. I would like the Board to request the Committee on Community Improvement to look at the possibility of earmarking \$300,000 each year over and above the \$550,000 for resurfacing streets and an additional \$200,000 annually for sidewalks where needed. Whereas instead of a 45-year turn around on streets it would bring it down to approximately 29 years, which is still not adequate.

Your favorable consideration of my request would be appreciated.

This would help all of our wards. Let's give the taxpayers something for their dollar, if we don't do it now it will cost them twice as much in the future. Back 20 years ago when I was alderman we set aside \$800,000 to \$900,000 for paving. Twenty years later we can't even set aside \$300,000. Hello! We have been attracting new growth and population in our City yet our streets and sidewalks are in deplorable condition and have been for many years. This is not showing good management of our city and is an eyesore and distraction of what we are trying to accomplish. It's time to "re-prioritize." Thank you for your understanding in this matter. I would appreciate your initials for approval of this request for which I am sure you agree. Let's put this behind us and get it accomplished once and for all.

s/Ed Osborne

Mayor Baines called for a vote on the motion. There being none opposed, the motion carried.

Mayor Baines stated just as a reminder during the budget process all Aldermen are free to make motions to add money for any project and get a vote up or down on that and that adds additional monies to the budget. I would welcome input from the Aldermen at the time of the budget process. They can make motions if they wish money added to allocations but we will refer this to the CIP Committee.

Alderman Roy asked, Mr. Thomas, in our consent agenda we got notification that we had reached the max on the 50/50 sidewalk program and it was capped for 2005. Do you either know offhand or could you forward to us the number of requests...the total dollar number?

Mr. Thomas answered I will have to get you that information but we do have that available.

Alderman Roy stated if you could forward that to us I would appreciate it.

Communication from Alderman Garrity requesting that two areas in Brown-Mitchell Park be named as follows:

Peter Burkush Ballfield
Robert J. Pariseau Playground
at

Brown-Mitchell Park
in honor of these two gentlemen who have devoted a number of years of service to the City.

Alderman Garrity moved to approve the request. Alderman O'Neil duly seconded the motion.

Alderman Garrity stated these two folks have served for 32 years as Aldermen in Ward 9 and they are well deserving of the honor.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman O'Neil stated we have had some heated arguments and we will probably have some more down the road and this is one of those good things that City government does. These are two great people.

Communication from Ron Ludwig, Director of Parks, Recreation & Cemetery, requesting authorization to proceed with the FY2005 CIP 510005 Parks Facilities Improvement Program so that playground equipment can be ordered for the Brown-Mitchell Playground project at this time.

Alderman Garrity moved to approve the request. Alderman Lopez duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from William Jabjiniak, Destination Manchester Coordinator, requesting approval to transfer Community Development Finance Authority (CDFA) funds originally allocated for Phase III of the Riverwalk Development plan to the "Hands Across the Merrimack" pedestrian bridge.

Alderman Gatsas stated your Honor we are back to wants and needs and I certainly believe that before we move forward and we just authorized \$1 million for that project and we are looking to authorize another \$260,000 and I don't know if there has been any money raised yet from the public sector. I would like to move the \$260,000 to the Senior Center and get that completed.

Mayor Baines responded I don't think we can do that and I will let Bill explain that.

Mr. William Jabjiniak, Destination Manchester Coordinator, stated the money was approved by CDFA for the Riverwalk project. They have agreed to move this to another phase of the Riverwalk. It doesn't get away from the project or the original intent. We are moving it from Phase III to the actual original Phase I-C of the project.

Mayor Baines asked and that is the only appropriate transfer of those funds as I understand it.

Mr. Jabjiniak answered yes it is really within the project.

Alderman Gatsas asked where do those funds come from.

Mr. Jabjiniak answered the Community Development Finance Authority.

Alderman Gatsas asked and they are restricted.

Mr. Jabjiniak answered it is an approved economic development project that their board approved in 1999.

Alderman Gatsas asked when you say their board...

Mr. Jabjiniak interjected that is correct. The Community Development Finance Authority is a sub-agency of the state. They do not get a state appropriation. They basically are offering a tax credit program, actually a new investment tax credit program where they give a community or a non-profit tax credits for them to find donors to contribute towards and they get a fee...the non-profit basically gets cash in exchange for the donor giving a contribution or a tax credit I should say. It is a little towards their

Business Enterprise Tax. You have the other appropriate state tax but the Business Enterprise Tax comes to mind.

Mayor Baines stated I was actively involved in recruiting businesses to participate in this for the purpose of the Riverwalk. That is how we recruited the businesses to participate in the program.

Alderman Gatsas stated these funds though were funds that were sold to business people on the Riverwalk as tax credit. These are our funds from my understanding to do what we please with them. Those aren't the original funds that came from that CDFA funding because the tax credits were sold.

Mr. Jabjiniak responded we have to submit an application that has a project for them to approve so the Riverwalk is our approved project. Certainly those tax credits are earmarked for us as a community to use towards that approved project. That is what we are trying to stay with versus...what I am trying to do is they have to approve the project. For us to go back and ask for another CDFA project would take another application process to move forward.

Alderman Gatsas replied my understanding is that this \$260,000 is a total separate entity from the original funds that came down. These funds are given back by the people who were given the tax credit. The tax credits were sold and these were funds that were replenished to the City. There is nothing that earmarks these funds to any single project.

Mr. Jabjiniak responded I would be glad to provide to you...

Alderman Gatsas interjected I will move to table this until you provide that information.

Mayor Baines stated people can vote this up or down based on what they want to do this evening but he has stated the case.

Alderman Lopez asked can the Finance Officer weigh in on this please.

Mr. Kevin Clougherty, Finance Officer, stated my recollection is that the distribution of the CDFA funds is an application-based process. You submit an application and they make awards based on an application. It is not my understanding that we have some type of an entitlement or a distribution other than in response to an application but I have not researched that and I would be happy to go back and look at it. My understanding is that those dollars come to you within the approved project, which is the Riverwalk. If you want to move those within any of those phases you are certainly entitled to do that. If you want to change it for an entirely different purpose than which you applied for, then my understanding is those dollars would not be released and would go back to the state and they could reallocate them however they want. The City could submit another application for a senior center or something else and maybe that would be approved. I am not familiar with what their criteria is. I can research that.

Mr. Jabjiniak stated I have a draft award letter from CDFA. It says, “the purpose of this grant made under the provisions of RSA 162L will be used by the grantee in accordance with the grantee’s application for Community Development Investment Program Funding subject to any conditions and restrictions presented in the CDFA staff recommendations to the Board of Directors dated September 14, 1999.”

Alderman Gatsas asked what does the application say. May I see it please?

Mr. Jabjiniak provided Alderman Gatsas with a copy to look at.

Mayor Baines asked Mr. MacKenzie do you have anything to add to this.

Mr. MacKenzie answered my only addition to this is that the people who contributed for this tax credit contributed because of the specific project. They were actually solicited and it is my opinion that if you went outside the Riverwalk you may have to go back to all of those contributors to reach their consent to move it to something other than the Riverwalk.

Mayor Baines stated that is my contention to because I will repeat again that I was actively soliciting money for this project.

Alderman Shea stated in trying to put this into perspective, the “Hands Across the Merrimack” this evening we allotted \$750,000 out of CIP funds. Is that correct, Bill?

Mr. Jabjiniak asked Mr. MacKenzie is that correct. I thought it was \$1 million.

Mr. MacKenzie answered it is \$1 million.

Alderman Shea stated and now we are appropriating \$250,000 out of the so-called CDFA fund. Is that correct?

Mr. Jabjiniak responded that is correct.

Alderman Shea stated the people who spoke earlier this evening have raised \$600,000 so far is that correct.

Mayor Baines responded they are in the process of raising \$600,000.

Alderman Shea asked so they have not raised that amount.

Mayor Baines answered that is correct.

Alderman Shea asked what happens to the \$1.25 million between the time that the additional money is raised and the actual project begins to come to fruition. What happens to all of that money?

Mr. Jabjiniak answered just like with any project you are going to want to have all of your funding sources in place before you go forward. There already has been some design work on this project. I think that will be finished and the project will be going out to bid once you have all of the funding earmarked. It might go out to bid and be done in phases as well depending on how quickly they can raise that \$600,000.

Alderman Shea stated what I am trying to say is let's assume for the sake of discussion that the people raising the money cannot come up with the amount of money that they need. Are we as a community going to...when we start the project are we then going to be asked to contribute additional monies towards this or are we going to stop this particular process until such time as their fundraising meets the obligations of this particular project? This is a concern that I have. In other words so often well meaning people come forward and they have an idea and they have a certain type of program yet in the final analysis it boils down to the buck stops with us, meaning the taxpayers and that is what I have a concern with and I think that maybe other Aldermen have the same concern. I am not sure about that but this is the concern that I have that we begin to follow certain types of ideas that come forth from well meaning people and organizations that are very prim and proper in their way of trying to work within the community but for one reason or another these particular individuals through no fault of their own cannot come through with the monies that are needed and we as a community have to then contribute to make sure that this process becomes complete and that is what my concern is if I may express that. Could you answer that?

Mr. Jabjiniak responded if you review the funding sources, you actually have approximately with all of these different sources \$1.9 million without that fundraising.

Alderman Shea asked where is the other \$600,000 coming from.

Mayor Baines answered there is \$600,000 that I secured I think back in my first term of office for this project.

Alderman Guinta stated there are a lot of concerns that are being discussed that are very valid. The good thing about this project is that it is a public/private partnership and the construction will not start until all of the funds are accumulated – not pledge but accumulated. So, we do have the \$600,000 in T21 funds, which are federal funds. We have the \$1 million in CIP. The \$260,000 tonight that we are being asked to transfer, the CDFA funds which are already committed funds and then the capital campaign will ensue and that should be somewhere between \$600,000 and \$800,000. The feasibility study that was completed identifies that this non-profit organization has the ability or the capacity to raise those private funds. The project will not start until those funds are raised. So if, in fact, there is a concern and I think your concern is what happens if there is not enough money raised in the private sector. The project doesn't happen. So the private sector does have to belly up to the table so to speak and bring their portion of the funds to the project before it even begins.

Alderman Shea stated I thought he said that the design had already begun.

Alderman Guinta replied the design of the bridge but there is no construction. That has already been done and paid for.

Alderman O'Neil stated I am hearing that for the first time tonight. Maybe I have heard it before but we have committed funds and that is a little bit of a surprise to me because I was always led to believe we were going to raise all of the money before anything started on it. Any idea what that commitment of funds is for design?

Mayor Baines responded a lot of the design work is already done.

Alderman Guinta stated it is all done.

Alderman O'Neil responded I understand that. Who authorized the design to be done? Now I have chaired the CIP Committee for a number of years. That didn't come through our committee.

Mr. MacKenzie stated the Board did authorize...it was probably three years ago, \$40,000 and that was matched against the Federal funds that came in to at least do the preliminary design to make sure the project was feasible. That has been completed.

Alderman O'Neil asked preliminary design or final design.

Mr. MacKenzie answered the preliminary design is done.

Alderman O'Neil asked so there is only a commitment of \$40,000 at this point.

Mr. MacKenzie answered yes the City has only committed \$40,000.

Alderman O'Neil asked where is the rest of it.

Mr. MacKenzie answered out of the ISTE money. The balance came out of ISTE money.

Alderman O'Neil replied I honestly don't remember that. Somehow this has to get brought back. I have been supportive of this but I don't like things moving ahead without all of the commitments in place.

Alderman Gatsas stated when we are talking about \$1 million in CIP and then we talk about ladder trucks being removed from service and we talk about taxes going up you know we are talking about here we are again talking about wants and needs. This certainly is not a need. It is certainly a wonderful project and a great project. It is not a need. So when we start talking about fire trucks being laid off and overtime being reduced and cutting 2% from budgets I think it is time that we tighten our belts and take a look at what we are doing. There hasn't been a dollar raised at the private level. Not \$1.

Mayor Baines stated just to remind the Board we are voting on the CDFA funds. That is the issue on the table.

Alderman Gatsas responded I think it is important, your Honor, that we understand that moving these funds...I don't think that the CDFA would have a problem if we moved those funds to complete the senior center because now we have a senior center that needs what \$300,000 for completion and I think Atty. Nixon has raised \$3,000.

Mayor Baines replied I think the information has been presented that we cannot transfer the funds. They were raised specifically...

Alderman Gatsas interjected then let's transfer the \$200,000 from the \$1 million and complete the senior center.

Mayor Baines stated that would be a separate vote. I am going to call for a vote on the transfer of the CDFA funds. The motion carried with Aldermen Shea, Garrity, and Gatsas being duly recorded in opposition.

Alderman Lopez asked for clarification Alderman O'Neil brought up something and are we saying that even though we want to move this project ahead that we are not going to do anything until all of the funds are there.

Mayor Baines answered I think everything has to come here for a vote – any requests for expenditure of funds are going to have to specifically come back for a vote.

Alderman Lopez stated I bring that up because it has been discussed that with the development going on down there that some preliminary work must be done.

Mayor Baines responded right and the CIP Committee will deal with that issue.

Alderman O'Neil asked can we refer...we voted on this and I support that but can we refer it because I think one of the reasons...we haven't been brought up-to-date in a long time.

Mayor Baines stated well we can have the CIP Committee do that. In all due respect though all through the budget process that issue was out there.

Alderman O'Neil replied I don't question the \$1 million. What I am questioning is I didn't know money was spent. As Chairman of that Committee I am suggesting that it be a topic at the next CIP meeting.

Alderman Gatsas moved that we remove \$200,000 from the \$1 million to complete the senior center. Alderman Shea duly seconded the motion.

Mayor Baines stated we are going to move forward with the agenda. That would be a new business item and we would have to deal with that. Kevin, I think if you could

examine the process and procedure if we want to do that...not now because we are going to move ahead with the agenda.

Communication from Attorney Daniel Muller, Jr., submitting two proposed changes to the Lease of the McIninch Art Gallery between the City and the Manchester Artists' Association, as enclosed.

Alderman Shea moved to approve the changes to the lease of the McIninch Art Gallery. Alderman Guinta duly seconded the motion.

Alderman DeVries stated the document that was handed out to us this evening, I would like to know the changes in this document from what we have previously received.

Ms. Sue Ritze stated the only changes that were made that I am aware of had to do with the insurance and indemnification. We asked that the City be added to our insurance as an additional insured and we will now indemnify the City up to the point of insurance if anyone were to be injured in say the common areas or something like that. The other change that was made was to make the lease a three-year lease as opposed to one.

Alderman DeVries asked for the same terms.

Ms. Ritze answered yes.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Mayor Baines stated I would like to publicly thank everyone who has worked on this project, especially Georgie Reagan.

Communication from Frank Thomas, Public Works Director, requesting

authorization to accept State funds and execute any related documents for the Household Hazardous Waste Collection Project to be held on Saturday, October 9, 2004.

On motion of Alderman Thibault, duly seconded by Alderman Shea it was voted to accept the funds, remand for the purpose intended, and authorize the Public Works Director to execute any documents necessary to carry out the project.

Communication from Kevin Sheppard, Deputy Public Works Director, advising that the Highway Commission has approved a request to rename Manhattan Lane from Auburn Street northerly to Cedar Street to *Harry Theo Lane*, effective August 1, 2004 unless otherwise directed by the Board.

Alderman Gatsas moved to accept the renaming of such portion of roadway to Theo Lane. Alderman Roy duly seconded the motion. Mayor Baines called for a vote. The motion carried with Alderman Forest being duly recorded in opposition.

Communication from Ward 3 Selectmen requesting the relocation of the polling location from the Carol M. Rines Center Art Gallery to the Carol M. Rines Center Conference Room located in the lower level in order to meet State and Federal ADA guidelines.

Alderman Guinta moved to approve the request to relocate the polling location in Ward 3 to the Carol M. Rines Center Conference Room. Alderman Smith duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Ward 9 Selectmen requesting the relocation of the polling location from Blessed Sacrament Church at 14 Elm Street to the Bishop Leo E. O'Neil Youth Center at 30 So. Elm Street in order to meet State and Federal ADA guidelines.

Alderman Garrity moved to approve the request to relocate the polling location of Ward 9 to the Bishop Leo E. O'Neil Youth Center. Alderman Osborne duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Warrant to be committed to the Tax Collector for collection under the Hand

and Seal of the Board of Mayor and Aldermen for the collection of sewer charges.

Deputy City Clerk Johnson stated, Your Honor, the warrant amount is \$71,313.38.

On a motion of Alderman Thibault, duly seconded by Alderman DeVries, it was voted to commit the Warrant under the Hand and Seal of the Board of Mayor and Aldermen in the amount of \$71,313.38 to the Tax Collector.

Ordinance submitted in conjunction with a poll conducted on June 17, 2004 relative to a request authorizing the City Solicitor to retain Atty. Nixon and his firm as outside counsel regarding challenging of the State Funding Law on Education.

On motion of Alderman O'Neil, duly seconded by Alderman Shea it was voted to suspend the rules and place the Ordinance on its final reading by title without referral to the Committees on Bills on Second Reading or Accounts, Enrollment and Revenue Administration.

Ordinance:

“Establishing a special purchase procedure relating to the legal challenge to the Education Funding Law.”

On motion of Alderman Garrity, duly seconded by Alderman Guinta it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its final presentation Alderman Shea moved on passing same to be Ordained. Alderman Forest duly seconded the motion. There being none opposed the motion carried.

Ordinances:

“Amending Chapter 130: General Offenses of the Code of Ordinances of the City of Manchester by repealing Section 130.10 Tattooing in its entirety.”

“Amending the Zoning Ordinance of the City of Manchester to include a new use group category for Tattoo Parlors, inserting changes to Table 5.10, adding supplementary regulations for tattoo parlors, and providing for location restrictions so as to prohibit such parlors within 800 feet from each other and not less than 500 feet from certain uses and districts.”

“Amending Section 70.55 Residential Permit Parking, of the Code of Ordinances of the City of Manchester by adding an additional area to Residential Parking Permit Zone #1 and deleting an area to Residential

Parking Permit Zone #2 to provide extended residential parking in the Kidder/Hollis/Bedford Street areas.”

On motion of Alderman O'Neil, duly seconded by Alderman Thibault it was voted to dispense with the reading by titles only.

Deputy City Clerk Johnson noted that the third ordinance listed would be as substituted earlier.

These ordinances, having had their third and final presentations, Alderman Smith moved on passing same to be Ordained. Alderman DeVries duly seconded the motion. There being none opposed, the motion carried.

Resolutions:

“Amending the FY 2001 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Fifty Five Thousand Nine Hundred Seventeen Dollars and Eighty One Cents (\$255,917.81) for the FY2001 CIP 840001 MCTV-PEG Access Grant Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the 2002 CIP 714302, Bridge Rehabilitation Project.”

“Amending the FY 2002 & 2003 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of Seventy Five Thousand Seven Hundred Seventy Four Dollars and Eighty Seven Cents (\$75,774.87) for the FY2002 CIP 714302 Bridge Rehabilitation Project.”

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“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Thousand Dollars (\$30,000) for FY2004 CIP 713204 Public Works ROW Improvement Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Twelve Thousand Ten Dollars (\$112,010) for the 2005 CIP 214005 Wrap For Youth Resiliency Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Two Thousand Nine Hundred Sixty Four Dollars (\$242,964) for the 2005 CIP 410005 Comprehensive Wellness Matching Grant Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Fourteen Thousand Nine Hundred Ninety Three Dollars (\$14,993.00) for FY2005 CIP 411405 Project Safe Neighborhoods Program.”

“Amending the FY2005 Community Improvement Program, transferring, authorizing and appropriating funds in the amount of One Hundred Fifty Thousand Dollars (\$150,000) for FY2005 CIP 610105 Second Street Mill Project.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Seven Hundred Fifty Thousand Dollars (\$750,000) for the 2005 CIP 710205 Public Works Infrastructure Program.”

“Amending the FY2005 Community Improvement Program, authorizing and appropriating funds in the amount of Sixteen Thousand Dollars (\$16,000.00) for the 2005 CIP 811605 Valley Cemetery Improvement Project.”

“Authorizing the Finance Officer to Make Certain Budgetary Closings for the Year 2004.”

On motion of Alderman O'Neil, duly seconded by Alderman Porter it was voted to dispense with the reading by titles only.

On motion of Alderman Osborne, duly seconded by Alderman Garrity it was voted that the Resolutions pass and be enrolled.

NEW BUSINESS

Mayor Baines stated I do have a communication that was passed out to you. This is to confirm an informal poll that I had taken with the Board of Mayor and Aldermen with the support of Alderman Roy. In honor of his years of distinguished services to the citizens of Ward 1 and all of the citizens of Manchester, I am requesting that the Board of Mayor and Aldermen officially name the playground at Livingston Park the David M. Wihby Playground.

Alderman Roy stated as we all know as David does better with his knee operation he will be getting back around the City but we would like to commend him for his 18 years of unchallengeable service to the City and sitting in this chair and representing Ward 1 with his heart and soul for those years and taking on a second life here at City Hall. I would like to move to name the playground at Livingston Park the David M. Wihby Playground.

Alderman Gatsas duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Re: Graffiti Maintenance Worker Ordinance

Deputy City Clerk Johnson stated the first item that I would like to bring to the Board's attention is the report of the Committee on Human Resources that was accepted earlier this evening and an ordinance was presented for adoption. We are looking to rescind all actions regarding the Graffiti Maintenance Worker position because it is actually in violation of one of the rules and I want to correct that so we would look for a motion to rescind all prior actions and then we can move forward.

Mayor Baines asked could you repeat that.

Deputy City Clerk Johnson answered the Graffiti Maintenance position is a new position. It cannot be adopted unless you physically suspend the rules under your rules so we are

looking to go back and rescind your prior actions this evening with regards to that and then we can give you options as to how to proceed.

Alderman Lopez stated in the spirit of cooperation I would ask to suspend the rules since the Board has already unanimously approved it.

On motion of Alderman Lopez, duly seconded by Alderman Roy it was voted to suspend the rules and place the Ordinance regarding the Graffiti Maintenance Worker on its final reading without referral to the Committees on Bills on Second Reading and Accounts, Enrollment and Revenue Administration.

Deputy City Clerk Johnson noted the Board could now proceed with adoption if it so wished.

“Amending Sections 32.024, 33.025 and 33.026 Graffiti Maintenance Worker of the Code of Ordinances of the City of Manchester.”

On motion of Alderman O'Neil, duly seconded by Alderman Garrity it was voted to read the Ordinance by title only and it was so done.

This Ordinance having had its final reading by title only, Alderman O'Neil moved on passing same to be Ordained. Alderman Garrity duly seconded the motion. There being none opposed, the motion carried.

Deputy City Clerk Johnson stated there is actually another item of the Human Resources Committee that we would like to bring forward and that would be for referral to the Committee on Bills on Second Reading because we don't want to delay the process on it. That would be an Ordinance:

“Amending Section 33.025 Assistant to Assessor of the Code of Ordinances of the City of Manchester.”

On motion of Alderman Shea, duly seconded by Alderman Osborne it was voted to accept the report and refer the Ordinance to the Committee on Bills on Second Reading.

Deputy City Clerk Johnson stated the next item is a petition that was submitted by Alderman Porter with regards to Mission Avenue. It is a petition to layout a highway. The process under the rules normally would be to refer it to the CIP Committee and to the Highway Department. I know there has already been a lot of discussion on this item in the past. We are looking for a motion to suspend the rules and refer it to a road hearing. It is my understanding that the Mayor’s calendar is clear for August 10 so we would look for a motion to refer it to a road hearing on that night. That is my understanding of what Alderman Porter wanted to do.

On motion of Alderman Porter, duly seconded by Alderman Lopez it was voted to suspend the rules and refer the petition to discontinue a portion of Mission Avenue to a road hearing to be held on August 10, 2004.

Mayor Baines asked Mr. Clougherty regarding the question that Alderman Gatsas had if the Board wanted to move to transfer funds from a bond project to another project what would be the process to do that.

Mr. Clougherty answered what we would have to do is go back and take a look at the purpose for which the dollars would be used. At this point we would have to take a look at what is remaining and whether it is actually bondable or whether it is equipment. I

would have to sit down with the Planning Director and make a determination that it is in, in fact, eligible for a transfer for those proceeds. I could do that for the next meeting.

Alderman Gatsas moved to transfer \$260,000 from the \$1 million in bonding to complete the senior center. Alderman Shea duly seconded the motion.

Mayor Baines asked again Kevin you are questioning whether we can do that.

Mr. Clougherty answered right. You have to remember that you can only use...

Mayor Baines interjected can we keep that motion but table it until the next meeting so Kevin can come back with an answer.

Alderman Gatsas stated I would like to vote on it now because we should just do it and get it completed. I am sure that when we are looking for other funds to move on projects, your Honor, they seem to always appear out of thin air. I am sure that we can move this forward and get the project completed because I am sure there are bondable items in there that we can complete. You can move one line item from one position to another to call it either a project for furnishings or a bonded item.

Mayor Baines responded that would be my feeling to. Mr. MacKenzie, can you just weigh in on this? Do you know if the Board would or would not have the authority to do that?

Mr. MacKenzie replied if the project qualified for bond and probably a portion of it would...we would have to look at the actual construction project but the Board can transfer what they have already authorized in a vote – the \$250,000 in new bond money toward another project as long as it is a long-term project. Again, we would have to confirm that all of that amount is eligible as a bond project.

Mayor Baines asked so if we passed it then the City Solicitor could rule whether it was appropriate or not and then we could have that judgement by the next meeting correct.

Deputy Solicitor Arnold answered yes.

Alderman Guinta stated I certainly appreciate my colleague's willingness to try to complete the senior center but to be fair we should probably look at a wider scope of funds that may be available to complete that project. I don't know why we are targeting this one particular project. I think that in fairness to the "Hands Across the Merrimack" project it did go through the CIP process and it was voted on and I think that we should honor that commitment and if we can try to find or identify other funds to complete the senior center I would be willing to support that.

Alderman Lopez stated I just want to clarify in my own mind what the Finance Officer and Mr. MacKenzie said. Let's say for example it doesn't qualify but there are other projects that do qualify and we can probably criss-cross...

Mr. Clougherty interjected what I am saying is if what is left in the project is equipment and it is short-term equipment, you can't use a bond for that purpose. That is a determination that has to be made. I suspect that there is some piece of it that can be bondable but not all of it. We have to determine that. I think as Alderman Guinta said there may be...say it is half and half. Then we can take a look at some of the balances in other projects that are not bonded to perhaps come back and fill that gap. We can't do that tonight. We are going to have to come back to you with some recommendations on those different sources and what the composition is.

Alderman Lopez responded I understand that but I am trying to make sure...I am going to support completing the senior center one way or the other. The easiest solution if we

are really concerned about the senior center is to just take \$260,000 out of the one time account and give it to them.

Alderman Gatsas stated that wasn't my motion.

Alderman Lopez responded I know that wasn't your motion but if you want to really do it...

Alderman Gatsas interjected my motion is what it is.

Alderman Shea stated we have had precedent though when we have taken monies from one project...if you remember correctly we took monies from the senior center and put it toward the Verizon fire on the bridge. So there is precedent. In due respect what I tried to raise before with due respect to Alderman Guinta is the fact that this particular "Hands Across the Merrimack" project has a completion date of maybe 2005 or 2006 whereas the senior center has a fruition date of October 2004. So basically I don't believe that the funds that we have set aside for the "Hands Across the Merrimack" are as critical at this time as the funding for the senior center is and we could take funds out of different projects as it were but by the same token we do have a budgetary concern to be considering and to be quite concerned about. I think that basically I am in favor of this evening getting a vote and seeing if it is possible. If the Board members want to do it, we should do it tonight if possible and then obviously rely on the Finance Office and Planning Department to give us a final answer.

Alderman Porter stated I would like to say that we have an eminent project that can be completed. The fundraising will be completed very shortly with this if it goes through. The private sector has raised over \$300,000...approximately \$300,000 for the senior center. Both projects certainly have a lot of merit but I do think that we have ample time

to discuss the future of the “Hands Across the Merrimack” and I would ask my colleagues to support the transfer of the money to the senior center.

Alderman O'Neil asked can somebody just in two minutes summarize where we are at with the senior center.

Mayor Baines stated as Alderman Shea indicated very accurately it is due for completion. The money we are short is about \$300,000.

Alderman O'Neil stated plus Atty. Nixon has raised an additional \$300,000 so we were short about \$600,000.

Mayor Baines responded that is correct and we are still actively soliciting money to finish that project as well.

Alderman Guinta asked procedurally does it make sense to take this vote tonight or to take it when we have a response from Finance.

Mayor Baines replied I would prefer that we have a response...to answer Alderman Shea's question the only question that is out here is if you use a bond project like Kevin said you can't use it for various equipment. That is all he is saying. We could transfer for the bridge project because that was a capital project and that is allowed. There are certain things associated with the construction that may not qualify. I would prefer that this be delayed until the next meeting so that we can flush this issue out. I am gratified that we are talking about identifying some additional support to the senior center.

Alderman Gatsas stated let's understand why I am doing it. As we talked about the Riverwalk when I first came here six years ago it was one of the most expensive sidewalks in the City. I certainly don't want to look at this as a completion of the

sidewalk for the West Side so I think it is important that when we move forward we look at the wants and needs and obviously one of our needs is to complete the senior center and I am sure that with the ability that we have in the Finance Office and with Mr. MacKenzie I am sure that they can find a way to maneuver funds from the bonded project to the bonded project of the senior center and get it completed. With that great faith can we move the question now.

Alderman Garrity asked Kevin in the \$105 million school project aren't furnishings bonded in that.

Mr. Clougherty answered they are as part of the initial project if you include it. Now we are going back and transferring for something that is beyond that is my understanding. I just need to clarify that. It may be that they qualify but I am not prepared to give you that determination tonight. I would like to go back and make sure that when you do make the transfer that it is eligible and not in violation of any of the laws. If there is a shortfall as I said I will talk to Bob and see if there is another source of funds to help complete the senior center and report to you at the next meeting.

Alderman Garrity asked can you explain to me why we can bond it in that project versus not bonding it for the senior center.

Mr. Clougherty answered because what happens is when you start the project and you assign an amount of money for it, it may have been included in that original budget but now if I understand it we are going beyond the original budget here and funding some things that now are separated out from that and it is that subtlety that might cause a problem under the tax law and I just want to make sure that we don't go down that path.

Alderman DeVries stated there has been a statement or two said here tonight that I don't think is at all a fair description of the "Hands Across the Merrimack" project. To call that

the continuation of the most expensive sidewalk project truly is unfair. Maybe Bob MacKenzie can add to my comments or I would ask for him to add to my comments but I have seen the presentation before the Planning Board and I have heard a lot about how this particular piece of the project is going to do as much as every other project in the downtown area to continue to move the economic development to the West Side of Manchester. If we are looking for some help in 2006 when we do our revaluation to improve the tax base for the City, these are the kind of projects that are going to do that for us. It is not going to be the senior center. It is going to be projects such as the “Hands Across the Merrimack” bridge. Mr. MacKenzie do you want to add briefly because I think the Mayor has had about as much as he can take on this?

Mr. MacKenzie stated there are...it is not just a single purpose project. It does provide a key connection between the future trail systems of the City. It is potentially an economic development project in that a major developer in the Second Street area has factored that in as a major reason why he wants to redevelop in that particular area – the connection over. I think it is also important that we look at completing all of these projects as a package. If we have the Chinburg residential project moving ahead and completed and then you go in and move in construction equipment to try to attack the bridge it makes it much more difficult for them to sell those particular condos. So, it is not a single purpose project. There are multiple reasons to do that.

Alderman O'Neil stated I think Alderman Shea kind of hit a homerun with his comments. We know he was a great hitter in his youth but we are looking at an opportunity to finish the senior center in October of this year if I understood Alderman Shea correctly. The schedule I saw on the “Hands Across the Merrimack” showed construction starting in 2005 with completion in 2006 and if I understood correctly that means they need to raise \$600,000 in private money in order for that construction to start. What we know is we have an opportunity to finish the senior center 100%. “Hands Across the Merrimack” is

going to be down the road away I still believe. I think the right thing to do is get the senior center finished and move on.

Mayor Baines asked the Clerk to advise the Board on the motion.

Deputy City Clerk Johnson answered my understanding of the motion is to transfer from the "Hands Across the Merrimack" project bond \$260,000 to complete the senior center.

Alderman Gatsas stated I would like to amend it to \$300,000. Alderman Shea duly seconded the amendment.

Mayor Baines called for a roll call vote on the amendment. Aldermen Gatsas, Porter, O'Neil, Lopez, Shea, Garrity, Smith and Roy voted yea. Aldermen Guinta, Sysyn, Osborne, DeVries, Thibault, and Forest voted nay. The motion carried.

Mayor Baines called for a roll call vote on the motion as amended. Aldermen Guinta, Sysyn, Osborne, DeVries, Thibault, and Forest voted nay. Aldermen Porter, O'Neil, Lopez, Shea, Garrity, Smith, and Gatsas voted yea. Mayor Baines vetoed the action.

Mayor Baines asked the Finance Officer and Planning Director to come back to the next BMA meeting with a delineation of what can and cannot be allowed in terms of the transfer of that nature and simultaneously look at funding for both projects to deal with the senior center and the "Hands Across the Merrimack" bridge at which time I will reconsider the action that I took this evening based upon analysis by City staff and legal staff involved as recommended to the Board. I believe that is the prudent course of action this evening.

Deputy City Clerk Johnson stated the Committee on Community Improvement this evening had voted to refer an item to a road hearing and we would look for a motion to

refer that item to the next available date which will be scheduled through the Mayor's Office as well as the Clerk's Office.

On motion of Alderman DeVries, duly seconded by Alderman Roy it was voted to refer the petition to discontinue a portion of South Bedford Street to a road hearing to be scheduled by the City Clerk's Office.

Deputy City Clerk Johnson stated I would also ask that the previous action with regards to a road hearing be scheduled on the same date. One requires a 30-day notice so we will have to push it in advance a couple of weeks. We would need a motion to change that date to the same date.

On motion of Alderman Roy, duly seconded by Alderman DeVries it was voted to hold the road hearing for acceptance of a portion of Mission Avenue and discontinuance of a portion of South Bedford Street on the same date to be scheduled by the City Clerk's Office.

Alderman Roy stated I handed out to my colleagues this evening a request to have the Animal Control Division of the Police Department employ a licensed trapper to help with a problem we are having in Ward 1. With the \$29 million construction project at YDC it is destroying the habitat of the lovely red fox, which is pushing it up into neighborhood sections where they have been eating off of bird feeders and chasing cats and there are a lot of missing family domesticated animals. At the advice of Dennis Walsh of the Manchester Police Department Animal Control Division, I come to you asking for \$250 out of contingency so that we can hire a trapper to eradicate or limit the problem. This has been done in the past, I believe in Ward 8 to take care of a coyote problem.

Alderman Gatsas stated some of those foxes have moved into Ward 2.

Mayor Baines asked would you like to second his motion.

Alderman Gatsas stated I will second his motion as long as the trapper goes to Ward 2 also.

Alderman Roy stated in conversations with Dennis Walsh of the Animal Control Division, the \$250 is basically a start and then the trapper goes until he is comfortable with the condition of the area so I am sure we can work something out.

Alderman DeVries asked the type of trap that they are planning on using is it safe to be in Ward 1 neighborhoods or a populated area.

Alderman Roy answered yes. One of my major concerns was what type of trap would be used. It is a hinged trap but it has a rubber collar to it so you can literally snap it on your hand and although it will hurt it will not break any bones. It traps the animal alive so if any domestic animals, children or wayward adults do get trapped in these they would be safe and easily released.

Alderman Shea stated Alderman Roy mentioned that this was due to the construction at YDC. What obligation to they have in this matter in terms of trying to help out our situation. In other words if they are driving the foxes out maybe we should drive something back in there.

Alderman Roy stated according to our Animal Control Division they have for years requested some assistance from the state being state property and they believe it was a non-issue having dens in the field in front of YDC and I do believe our Manchester Police Department does drive a lot of things into YDC so I think it is a give and take.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman Guinta stated I have two matters of business. First of all I want to correct what I believe would be a technical omission. When we appropriated the \$225,000 to Intown we neglected to execute the 12-month contract that goes with the \$225,000. They are operating without a contract right now and I just want to be able to try to execute the same contract for an additional 12 months.

Alderman O'Neil stated that issue was brought up at CIP tonight. Mr. MacKenzie has the right to extend the contract without Board approval for one year I believe.

Mr. MacKenzie stated that is correct. I would normally have the authority to extend it to one year.

Alderman O'Neil stated he asked the Committee tonight to just confirm his recommendation of an extension of six to nine months while issues regarding the Central Service Business District and Intown are addressed and that passed unanimously with the CIP Committee. My understanding is it doesn't even need Board approval to extend it. Mr. MacKenzie can just do that.

Alderman Guinta asked why would we extend it for six to nine months if the appropriation is for the fiscal year. Why wouldn't we extend it for 12 months? The Advisory Board could still make any recommendations at that time.

Mayor Baines responded the last I heard the Advisory Board was interested in putting together a study group to look at the whole situation with Intown and make some recommendations to the Board about the entire district. That is the way it was left the last time I met with someone who is on the Advisory Board. Is that correct?

Mr. MacKenzie replied yes that is correct.

Mayor Baines stated I think that is the reason for the six months so they can have six months to look at it and come back to the Board of Mayor and Aldermen for a recommendation.

Alderman Guinta stated well Intown Manchester has contracts that they have to adhere to that are 12-month contracts. I certainly respect the Advisory Board's commitment to trying to improve the mission of Intown and I certainly welcome it. I just think that it would make more sense to ask them to do that during a 12-month contract, not a six month.

Mayor Baines asked could we deal with this during the next meeting and perhaps invite some members of the Advisory Board to come in and advise the Board on this issue. Would that be appropriate?

Alderman Lopez stated I sit on the CIP Committee and I voted in favor of this but I had the same concern and Mr. MacKenzie is supposed to bring back any extensions of the contract. There was a concern of the Committee in going for nine months versus...and you bring up a very valid point that we have \$225,000 for 12 months. I believe, even though I voted for the nine months, that we should give them the year contract and let the Advisory Board continue and bring something back because in five years I haven't seen them bring anything back. I think that is what we ought to do and if the CIP Committee could really endorse that to extend it for one year and let the Committee bring back something because there is something going on like I mentioned in the CIP Committee. There is something going on that just doesn't meet muster and there are some accusations out there that are false. I think we should extend the contract for one year and let the Advisory Board come back with recommendations during the next budget season.

Mayor Baines stated I think what has happened is you have a really reconstituted Advisory Board. There are a lot of new members that are taking a fresh look at what is going on. They just wanted an opportunity to review and advise the Board.

Alderman Guinta moved to extend the contract with Intown Manchester for 12 months. The Advisory Board can absolutely continue their work and I welcome any of their recommendations and I would be happy to work with them.

Alderman DeVries duly seconded the motion. I have a quick comment. I think Alderman Lopez is absolutely correct that it is going to take six months for the Advisory Board to collectively come back to CIP or any other committee with their thoughts. It then takes our City time to digest it. We are going to burn a year on this and to leave this organization that needs to enter into their own contracts and has their own obligations hanging out there is just not necessary. Study this if you need to for the next year through the Advisory Board but lets give them a contract tonight so they can move forward.

Mr. MacKenzie stated I have no problem with it. The six to nine months was a recommendation of the Central Business District Advisory Board but I would be happy to continue it for one year. I know the board has indicated that they are willing to do the work to evaluate the services and make sure the contract is correct.

Alderman O'Neil stated it was never presented to us that there were obligations that Intown had for any time period. I don't know if those obligations started July 1 through June 30 of 2005. I don't have any of that information. What we acted on was a recommendation of our staff who has been monitoring this. We had a similar situation if you recall...it was a little different with the Community Resource Center and we asked staff to work and monitor that and they came back in a three month period at that point

with recommendations for us. So, something may be broke at Intown. I have heard from an awful lot of people about it. I can't see extending it out a year if something is broken.

Alderman Smith stated we got this information from the Planning Director and the CIP Committee authorized to extend the contract. That is what we did on the assumption that they needed six to eight months to review the process – the Advisory Board but no one was there from Intown to refute anything that was said in the letter. I don't know what is going on myself but I think the Advisory Board should be given the time and if they can do it in six to eight months they should do it and not a year.

Alderman Guinta stated Intown has been represented here since 5 PM.

Alderman Smith responded they were not at the CIP meeting.

Alderman Lopez stated I think it is important that the Director of Intown reports to the Advisory Board and gives them information about Intown. I would ask the CIP Committee to extend it for one year because there are programs and as Alderman O'Neil said I think people are saying something is broken but I think if you sit down with the Director over there and look at the statistical data and the things that she has been able to accomplish over there I think you would have a different viewpoint. There is commitment all the way out that they have to work on in committing for their budget as a process and make a plan from now until next June.

Alderman O'Neil asked what are some of these commitments because I have no idea. People are saying there are commitments but what are they?

Mayor Baines stated Stephanie Lewry is here. We can ask her to come forward to address it. One of the things that the Board could do is refer this back to CIP and have people from Intown and the Advisory Board come in and meet. I think out of respect to

the Advisory Board that they should have the option to address whatever concerns you might have. That is why you have those Boards.

Alderman Guinta stated the Advisory Board was just reconstituted. They have been in effect for 60 days. I don't see why this Board would all of the sudden defer to five people who sat down once or twice to talk about Intown. In fairness to the property owners and the people who pay that tax we should have this 12 months, let Intown honor the commitments that they have to make as an organization and then the Advisory Board can do their complete and full study.

Ms. Stephanie Lewry of Intown stated as far as commitments go we operate on the same fiscal year as the City does and I am renewing my lease as we speak and it is sitting in a pile waiting for a signature. I will need a one year extension for my lease as it is right now. I have a copier lease. I have several lease kind of agreements that will need a one-year contract. I basically have my fiscal year coinciding with the City's fiscal year for that reason.

Alderman Gatsas asked what do you pay for that lease.

Ms. Lewry answered my rental lease is going to be \$1,400/month if I sign it.

Mayor Baines called for a vote on the motion to extend the contract with Intown for 12 months to coincide with the City's fiscal year. The motion carried with Aldermen O'Neil, Smith and Shea duly recorded in opposition.

Alderman Guinta stated this is my last piece of new business. The court case surrounding the School District becoming a department has been completed, I think, at the end of March with the Supreme Court's opinion. I think it was a matter of...the last time this issue was placed on the ballot a couple of years ago there was an issue if everybody

remembers about whether the RSA allowed a change to occur through the ballot process. That has now been resolved. The RSA's have been changed and I would like to move at this time to add to the November ballot a question regarding making the School District a department of the City.

Deputy City Clerk Johnson stated in order to do that it would require a public hearing so the motion would be to send the question to a public hearing.

Alderman Guinta moved to send the question of making the School District a department of the City to a public hearing. Alderman Garrity duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

Alderman DeVries stated I will be very brief. I would like to make a referral to the Committee on Lands and Buildings and I have already had a conversation with the Chairman of that Committee. Over the last eight to ten weeks I have had some conversations with many individuals who are interested in somehow establishing a dog park in the City of Manchester. There are many different individuals who have said that they are very anxious to start some sort of fundraising so this would be another public/private venture. I think individuals are looking for some City land that is not being used that could be used for this purpose and they would provide the rest of the funding. I would move to refer this issue to Lands and Buildings to look at the properties that I have identified or others.

Alderman Thibault duly seconded the motion.

Alderman Roy asked will this be able to be available for our next meeting.

Deputy City Clerk Johnson answered yes I will get the information from Alderman DeVries and put it on the agenda.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from the Chief Negotiator requesting to meet with the Board for a negotiation strategy session.

On motion of Alderman Thibault, duly seconded by Alderman Shea it was voted to recess the meeting to meet with the Chief Negotiator.

Mayor Baines called the meeting back to order.

Mr. David Hodgen, Chief Negotiator, stated the Board having met and reviewed the tentative agreements with the six bargaining units that are listed in the memorandum dated July 16, 2004 a motion would be in order for the Board to ratify all six of those tentative agreements and to waive Rule 26.

Alderman Osborne moved to ratify six tentative agreements:

1. Paraprofessionals (formerly Educational Assistants);
2. AFSCME/Health Department;
3. AFSCME/Facilities Division;
4. Teamsters/Library;
5. Manchester Association of Police Supervisors (MAPS); and
6. Manchester Association of Fire supervisors (MAPS);

as listed in the correspondence from Mr. Hodgen dated July 16, 2004 and waive Rule 26.

Alderman Thibault duly seconded the motion. Mayor Baines called for a vote. There being none opposed, the motion carried.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Forest it was voted to adjourn.

A True Record. Attest.

City Clerk